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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,729	02/07/2002	Brian Magruder	WELL0027	1976

22862 7590 02/07/2007

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EXAMINER	
MAGUIRE, LINDSAY M	
ART UNIT	PAPER NUMBER
3692	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/072,729	MAGRUDER ET AL.	
	Examiner	Art Unit	
	Lindsay M. Maguire	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) *25-37* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 April 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/16/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Non-Final Office action is in response to the application filed on February 7, 2002 and the response to the Election/Restriction requirement filed on December 22, 2006.

Election/Restrictions

Claims 25-37 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 22, 2006.

Information Disclosure Statement

The information disclosure statement filed April 16, 2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

The drawings were received on April 16, 2002. These drawings are accepted.

Abstract

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The

abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

Claim 4 is objected to because of the following informalities: the phrase "if said offer accepted" in line 4 is considered to be grammatically incorrect, since the word --is-- is missing between the words "offer" and "accepted". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the phrase, "comprising any or any combination of" in lines 1-2 of

claims 9 and 21, renders the claims indefinite as one of ordinary skill in the art would be unable to ascertain the metes and bounds of the claims.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 10, 12, 17, 22, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "and/or" in line 3 of claim 5, line 2 of claims 12, 17, and 24, render the claims indefinite because it is unclear what is meant by the term "/". Is the applicant setting forth "and" only, "or" only, or "and" or "or"?

The term "competitive" in claims 10 and 22 is a relative term which renders the claim indefinite. The term "competitive" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Specifically, the term is considered to be entirely subjective in its definition, as what may be regarded as "competitive" by one person may not be regarded as "competitive" by another. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-7, 10-13, 16-19, and 21-24 are rejected, insomuch as the claims can best be understood given the 35 U.S.C. 112 rejections (as advanced above), under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,852,811 (Atkins '811).

Atkins '811 discloses a method for home asset management comprising: providing a first mortgage (192, 199; Figure 4) having a principal balance; providing an equity line of credit (LOC) (column 4, lines 45-48); providing a periodic principal sweep and line increase offer from said first mortgage into said equity LOC (column 4, lines 60-62); and providing a periodic property value review of said first mortgage and an associated offer of an automatic offer of an automatic line increase to said equity LOC (column 4, lines 60-62). Additionally, Atkins '811 discloses providing a periodic position statement reflecting said sweep and equity LOC increase, and property valuation statement reflecting estimated change in property value and, if said offer is accepted, said associated automatic equity LOC increase (column 4, lines 57-62); automated decisioning results on said first mortgage (column 4, lines 60-62); wherein equity LOC is a renewable home equity line of credit with convertibility features (Figure 4); wherein said renewable equity LOC provides a combined loan to value from 0.01 % to 100% at

the time of loan closing (column 31, lines 9-14); wherein said first mortgage and equity LOC are priced as separate products (column 1, lines 17-26) and the pricing of each is competitive (column 9, lines 9-11); wherein a mortgage entity is responsible for credit risk on said first mortgage and an equity entity is responsible for credit risk on said equity LOC (column 5, lines 13-16); and further comprises using a mortgage engine (Figure 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 3, 8, 14, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkins '811, alone.

Atkins '811 discloses the invention substantially as claimed with the exception of requiring: (a) that the periodic property and credit review is an annual review (claim 2, lines 1-2; claim 14, lines 1-2); (b) that the periodic sweep is a quarterly principal sweep (claim 3, lines 1-2; claim 15, lines 1-2); the periodic position statement is provided quarterly, and wherein said property valuation statement is provided annually (claim 8, lines 1-3; claim 20, lines 1-3);

Regarding (a) - (c), Atkins '811 discloses that the "values must be calculated and checked periodically to correctly reflect changes in the value or quantity of any asset or liability which is part of the system" (column 5, lines 32-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the aforementioned periodic checks of Atkins '811 for the property review/valuation as an annual sweep and a the principal sweep/periodic position statement as a quarterly sweep, or at any other designated time frame for the basic reason that these sweeps and checks need to occur to correctly reflect changes in the value or quantity of any asset or liability which is part of the system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lindsay M. Maguire whose telephone number is 571-272-6039. The examiner can normally be reached on M-F: 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lindsay M. Maguire
1/25/07

RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER

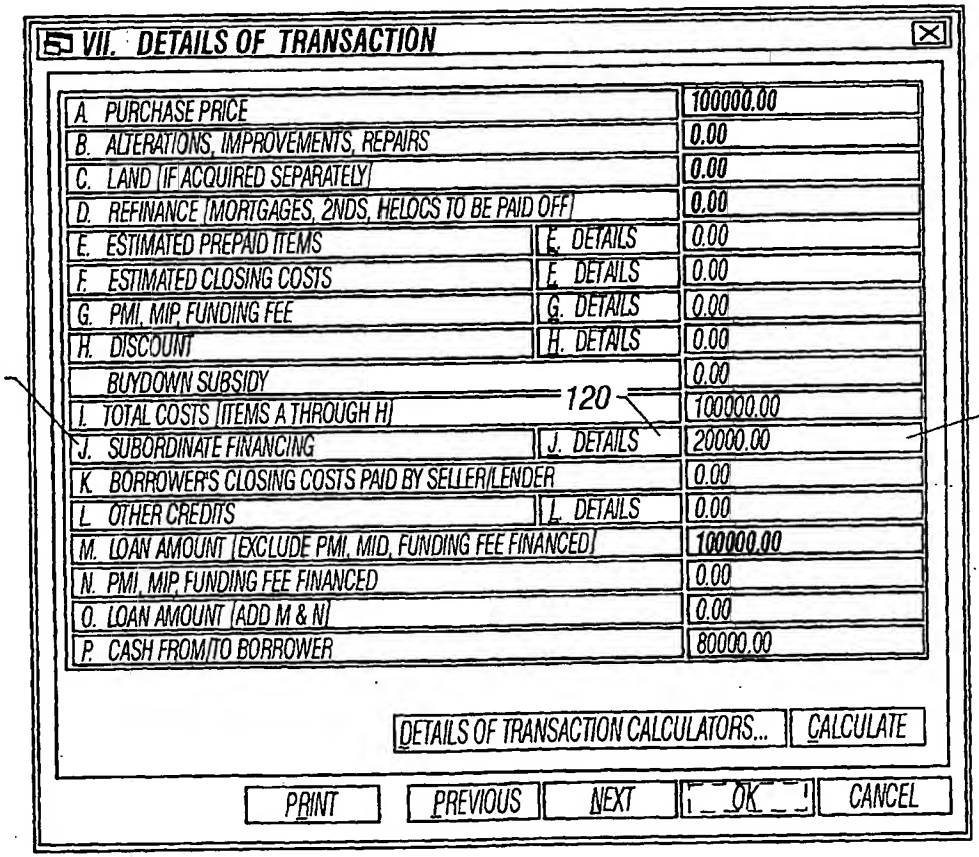

FIG. 1